

F I L E D  
Clerk  
District Court

Feb 26 2008

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN MARIANA ISLANDS

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

4 KOICHI TANIGUCHI,

Civil Action No. 08-0008

5 Plaintiff,

6 vs.

Order Re Case Management  
Conference

7 KAN PACIFIC SAIPAN, LTD., dba  
8 Mariana Resort and Spa,

9 Defendants.

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11  
12 Douglas F. Cushnie  
13 Attorney at Law  
14 P.O. Box 500949  
Saipan, MP 96950

Richard W. Pierce  
Attorney at Law  
P.O. Box 503514  
Saipan, MP 96950

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16 In accordance with Federal Rule of Civil Procedure 16 and Local Rule 16.2CJ,  
17 each of the above-named shall be present at the Case Management Conference, set  
18 for Friday, March 21, 2008, at 9:30 a.m.

19 The parties shall be prepared to discuss:

- 20 (a) Service of process on parties not yet served;  
21 (b) Jurisdiction and venue;  
22 (c) Track assignment;  
23 (d) Anticipated motions;  
24 (e) Anticipated or remaining discovery, including (1) limitation on discovery,  
25 (2) and provisions for disclosure or discovery of electronically stored  
26 information; and, (3) any agreements the parties reach for asserting claims

of privilege or of protection as trial-preparation material after production;

- 2 (f) Further proceedings, including setting dates for discovery cut-off, pretrial  
3 and trial;
- 4 (g) Appropriateness of special procedures such as consolidation of actions  
5 for discovery or pretrial, reference to a master or to arbitration, or to the  
6 Judicial Panel on Multi-district Litigation, or application of the Manual for  
7 Complex Litigation;
- 8 (h) Modifications of the standard pretrial procedures specified by this Plan  
9 on account of the relative simplicity or complexity of the action or  
10 proceeding;
- 11 (i) Settlement prospects;
- 12 (j) Any other matter which may be conducive to the just, efficient, and  
13 economical determination of the proceedings, including the definition or  
14 limitation of issues; and,
- 15 (k) Setting of dates for:
  - 16 1. Joinder of all parties,
  - 17 2. Motions to amend,
  - 18 3. Discovery cut-off,
  - 19 4. Status Conferences,
  - 20 5. Discovery motion hearing date,
  - 21 6. Dispositive motion cut-off,
  - 22 7. Dispositive motion hearing date,
  - 23 8. Settlement conference,
  - 24 9. Joint pretrial order,
  - 25 10. Final pretrial order,
  - 26 11. Trial.

The Court recommends that this case be assigned to the Standard track as  
defined by Local Rule 16.2CJ.c.

The parties are reminded that the dates chosen at the conference will not be  
susceptible to subsequent easy change. Fed.R.Civ.P.16(b)(6) provides in part that a  
case management scheduling order "shall not be modified except upon a showing of

1 good cause and by leave of the district judge[.]” To establish good cause, a party must  
2 generally show that even with the exercise of due diligence it cannot meet the order’s  
3 time table. See e.g. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9<sup>th</sup> Cir.  
4 1992). The liberal amendment policy of Fed.R.Civ.P. 15 no longer obtains once the  
5 case management scheduling order has been entered. See Coleman v. Quaker Oats  
6 Co., 232 F.3d 1271, 1294 (9<sup>th</sup> Cir. 2000).

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8 IT IS SO ORDERED.

9 DATED this 28<sup>th</sup> day of February, 2008.

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11   
12 ALEX R. MUNSON

13 Judge  
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